IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6112 of 2005

Between:

Kurella Rangaiah naidu, S/o. Late K. Venkataraju
R/o. Matyapuri, Veeravasaram Mandal, West Godavari District.

..... PETITIONER

AND

1 The Superintendent of Police, West Godavari District, Eluru.
2 The Deputy Superintendent of Police, Narsapur, West Godavari District,
3 The Station House officer, Narsapuram Rural Police Station,
Narasarpur, West Godavari District,
4 Smt. Poturaju Surya Venkata Tulasi Kumari, D/o. Late Bhaskara Rao
R/o. Antarvedi, Sakineti Mandal, East Godavari District,
5 Tottempudi Prabhavati W/o. Late T. Anjaneyulu,
West Godavari District, Bharatha Prajatantra Mihila Sangham,
H.No. 52-2-13, Anjaneya Swamy Temple Street, Sambhanna Agraharam,
Palakol, West Godavari District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the inaction of the Respondents 2 and 3 in not conducting investigation by apprehending the Accused in Crime No.32/2005 to file report Under Sec. 173 of Cr.P.C. and in not responding to the Complaints given by the petitioner on 19-3-2005 and as illegal, arbitrary and contrary to law and violative of Art. 14, 19 and 21 of the Constitution of India and pass such other order or orders.

Counsel for the Petitioner: MR.K.CHIDAMBARAM

Counsel for the Respondent Nos.1 to 3: GP FOR HOME

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Petitioner seeks declaration that the inaction of respondents 2 and 3 in conducting investigation by apprehending the accused in Crime No. 32 of 2005 registered for the offences punishable under Sections 447 and 506(2) read with 34 of the Indian Penal Code against the fourth respondent herein and also in not responding to the complaint given by the petitioner on 19-3-2005 as illegal and arbitrary.

It appears that the petitioner gave complaint against respondents 4 and 5 for the offences allegedly committed under Sections 447 and 506 of the Indian Penal Code and for various other offences like nuisance etc. Despite the fact that the same was registered as a case in Crime No. 32 of 2005 on the file of the P.S. Narsasapur Rural, no investigation has been taken up so far by the official respondents.

It is needless to mention and remind the official respondents about their statutory duties viz., as and when a complaint is received and registered as a crime, irrespective of the truth or otherwise of the said complaint, investigation has to be taken up forthwith and further action has to be expedited in accordance with law.

In the present case, the police, having registered a case on the complaint given by the petitioner, have not taken any steps to conduct investigation and it is the

apprehension of the petitioner that in view of the delay in conducting the investigation, the very purpose of lodging the complaint would be defeated. Therefore, in order to avoid such a situation, the petitioner seeks expeditious investigation in Crime No. 32 of 2005, which was registered on the complaint given by him. I too see a valid reason in the submissions made by the petitioner.

Having regard to the facts and circumstances of the case, the respondents 2 and 3 are hereby directed to expedite the investigation in respect of the Crime No. 32 of 2005 on the file of the third respondent, including that of taking steps to apprehend the accused, if necessary, during and for the purpose of investigation.

With the above directions, the writ petition is dispose of at the stage of admission. No costs.

24-03-2005

Note:

Issue CC in one week.

B/0

KVSN

To

1 The Superintendent of Police, West Godavari District, Eluru.

2 The Deputy Superintendent of Police, Narsapur, West Godavari District,

3 The Station House officer, Narsapuram Rural Police Station,
Narasarpur, West Godavari District,

4 Two CCs to GP for Home, High Court buildings, Hyderabad.

5 Two CD copies.